

By: Hinojosa

H.B. No. 3912

A BILL TO BE ENTITLED

AN ACT

relating to the weather emergency preparedness of gas facilities and facilities for providing electric service.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 86, Natural Resources Code, is amended by adding Section 86.044 to read as follows:

Sec. 86.044. WEATHER EMERGENCY PREPAREDNESS. (a) The commission by rule shall require an operator of a gas well to implement measures to prepare the well to operate during a weather emergency.

(b) The rules must be based on information from the National Weather Service and the Office of the Texas State Climatologist about:

(1) historic weather emergencies;

(2) climate variability; and

(3) projected changes in weather.

(c) The commission shall review and, if necessary, update rules adopted under this section at least once every five years to account for changes in the information described by Subsection (b).

(d) The rules must:

(1) require an operator of a gas well to implement the required measures at the expense of the provider; and

(2) require the provider to submit to the commission an annual report that shows the costs of implementing the required

1 measures and that the costs were paid out of the operator's net  
2 profits.

3 SECTION 2. Subchapter A, Chapter 35, Utilities Code, is  
4 amended by adding Section 35.0021 to read as follows:

5 Sec. 35.0021. WEATHER EMERGENCY PREPAREDNESS. (a) The  
6 commission by rule shall require each provider of generation in the  
7 ERCOT power region to implement measures to prepare generation  
8 facilities to provide adequate electric generation service during a  
9 weather emergency.

10 (b) The rules must be based on information from the National  
11 Weather Service and the Office of the Texas State Climatologist  
12 about:

- 13 (1) historic weather emergencies;  
14 (2) climate variability; and  
15 (3) projected changes in weather.

16 (c) The commission shall review and update rules adopted  
17 under this section at least once every five years to account for  
18 changes in the information described by Subsection (b).

19 (d) The rules must:

- 20 (1) require a provider of generation to implement the  
21 required measures at the expense of the provider; and  
22 (2) require the provider to submit to the commission  
23 an annual report that shows the costs of implementing the required  
24 measures and that the costs were paid out of the provider's net  
25 profits.

26 SECTION 3. Subchapter D, Chapter 38, Utilities Code, is  
27 amended by adding Section 38.074 to read as follows:

1       Sec. 38.074. WEATHER EMERGENCY PREPAREDNESS. (a) The  
2 commission by rule shall require each electric cooperative,  
3 municipally owned utility, and transmission and distribution  
4 utility providing transmission or distribution service in the ERCOT  
5 power region to implement measures to prepare facilities to  
6 maintain service quality and reliability during a weather  
7 emergency.

8       (b) The rules must be based on information from the National  
9 Weather Service and the Office of the Texas State Climatologist  
10 about:

- 11           (1) historic weather emergencies;  
12           (2) climate variability; and  
13           (3) projected changes in weather.

14       (c) The commission shall review and update rules adopted  
15 under this section at least once every five years to account for  
16 changes in the information described by Subsection (b).

17       (d) The commission shall conduct a study on possible ways to  
18 provide funding for the measures required by the rules for  
19 transmission and distribution utilities so that the cost of the  
20 measures is not paid by retail customers. The commission shall  
21 submit the results of the study to the legislature not later than  
22 September 1, 2022. This subsection expires September 1, 2023.

23       SECTION 4. Section [121.2015](#), Utilities Code, is amended by  
24 amending Subsection (a) and adding Subsections (d), (e), and (f) to  
25 read as follows:

26       (a) The railroad commission shall adopt rules regarding:

- 27           (1) public education and awareness relating to gas

1 pipeline facilities; ~~and~~

2 (2) community liaison for responding to an emergency  
3 relating to a gas pipeline facility; and

4 (3) measures gas pipeline facility operators must  
5 implement to prepare gas pipeline facilities to maintain service  
6 quality and reliability during a weather emergency.

7 (d) The rules adopted under Subsection (a)(3) must be based  
8 on information from the National Weather Service and the Office of  
9 the Texas State Climatologist about:

10 (1) historic weather emergencies;

11 (2) climate variability; and

12 (3) projected changes in weather.

13 (e) The commission shall review and, if necessary, update  
14 rules adopted under Subsection (a)(3) at least once every five  
15 years to account for changes in the information described by  
16 Subsection (d).

17 (f) The commission shall conduct a study on possible ways to  
18 provide funding for the measures required by the rules adopted  
19 under Subsection (a)(3) so that the cost of the measures is not paid  
20 by retail customers. The commission shall submit the results of the  
21 study to the legislature not later than September 1, 2022. This  
22 subsection expires September 1, 2023.

23 SECTION 5. The Public Utility Commission of Texas and the  
24 Railroad Commission of Texas shall adopt the rules required by this  
25 Act not later than January 1, 2022.

26 SECTION 6. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

H.B. No. 3912

1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2021.